

Official Form 417A (12/18)

IN RE: FRANCISCUS MARIA DARTEE  
By: Franciscus Maria Dartee, Beneficiary  
Appellant  
vs.

THE BANK OF NEW YORK MELLON CORPORATION  
Appellee

[Caption as in Form 416A, 416B, or 416D, as appropriate]

CHAPTER 11 CASE NO. 18-26407-JKS  
U.S. BANKRUPTCY COURT  
FILED  
NEWARK, NJ

2018 DEC 28 P 3:46

JEANNE A. HAUGHTON  
S/ JAH  
DEPUTY CLERK

## NOTICE OF APPEAL AND STATEMENT OF ELECTION

### Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):  
Franciscus Maria Dartee, Beneficiary of FRANCISCUS MARIA DARTEE
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

Plaintiff  
 Defendant  
 Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

Debtor  
 Creditor  
 Trustee  
 Other (describe) \_\_\_\_\_

### Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Denying Debtor's Application For An Order Shortening Time and Other Relief Requested
2. State the date on which the judgment, order, or decree was entered: 12/23/2018

### Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: The Bank of New York Mellon Corporation et al Attorney: Laura M. Egerman, RAS Citron, LLC  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
legerman@rasnj.com
2. Party: The Bank of New York Mellon Corporation et al Attorney: Ashley L. Rose, Sandlands Eyet LLP  
1545 U.S. Highway 206, Suite 304  
Bedminster, NJ 07821  
arose@se-ilp.com
3. Party: United States Trustee Attorney: Michael A. Artis, on behalf of U.S. Trustee  
1085 Raymond Boulevard, Suite 2100  
Newark, NJ 07102  
USTPRRegion03.NE.EDCF@usdoj.gov

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

By: \_\_\_\_\_ L.S. \_\_\_\_\_ Date: December 28, 2018

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney  
(or appellant(s) if not represented by an attorney):  
Franciscus Maria Dartee, Beneficiary of FRANCISCUS MARIA DARTEE  
c/o 12 Moonshadow Court  
Kinnelon, New Jersey 07405  
Tel. 1-973-626-6464

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**[Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

**FILED**  
JEANNE A. NAUGHTON, CLERK

DEC 20 2018

U.S. BANKRUPTCY COURT  
NEWARK, N.J.

BY *Janine Deane* DEPUTY

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

**FRANCISCUS MARIA DARTEE,**  
Debtor.

Case No.: 18-26407 (JKS)

Chapter 11

Judge: Hon. John K. Sherwood

**ORDER DENYING DEBTOR'S APPLICATION FOR AN ORDER SHORTENING  
TIME AND OTHER RELIEF REQUESTED**

The relief set forth on the following page, numbered two (2), is hereby

**ORDERED.**

Dated: December 20, 2018

*J. Sherwood*  
HONORABLE JOHN K. SHERWOOD  
UNITED STATES BANKRUPCY JUDGE

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Debtor: Franciscus Maria Dartee

Case No.: 18-26407 (JKS)

Caption of Order: Order Denying Debtor's Application for an Order Shortening Time and Other Relief Requested

This matter having come before the Court upon the application of Franciscus M. Dartee ("Debtor"), for an order shortening time for a hearing on his motion to vacate this Court's Order dated October 24, 2018 granting the Bank of New York Mellon relief from the automatic stay [Doc. 38] and the Order denying Debtor's motion for reconsideration [Doc. 41]; and the Court having reviewed the pleadings; and for the reasons set forth on the record including the Court's view that it is authorized to electronically enter orders that bear the seal of the Bankruptcy Court (see General Order re: Electronic Filing Procedures dated 3/27/02); and for good cause shown, it is:

**ORDERED** as follows:

1. Debtor's application for an order shortening time is denied.
2. Debtor's motion to vacate this Court's Order dated October 24, 2018 and the Order denying Debtor's motion for reconsideration dated October 25, 2018 is denied.

In re:  
 Franciscus Maria Dartee  
 Debtor

Case No. 18-26407-JKS  
 Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Dec 20, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2018.

db +Franciscus Maria Dartee, c/o 12 Moonshadow Court, Kinnelon, NJ 07405-2949

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2018

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2018 at the address(es) listed below:

Ashley L. Rose on behalf of Defendant The Bank of New York Mellon Corporation dba The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JP Morgan Chase Bank, NA arose@se-llp.com

Laura M. Egerman on behalf of Creditor THE BANK OF NEW YORK MELLON bkyecf@rasflaw.com, bkyecf@rasflaw.com;legerman@rasnj.com

Michael A. Artis on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4